

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
for Roanoke  
DEC 21 2004  
JOHN F. CONCORAN, CLERK  
BY: [Signature] DEPUTY CLERK

KATHLEEN M. DAVIS,

) CASE NO. 7:03CV00592

Plaintiff

)

v.

) REPORT AND RECOMMENDATION

JO ANNE B. BARNHART  
Commissioner of Social Security,

) By: B. Waugh Crigler  
U. S. Magistrate Judge

Defendant

)

The Commissioner having advised the court that she has no objection to an award of attorney fees to Charles D. Bennett, Jr., Esq. in the amount of Two Thousand Eight Hundred Two Dollars (\$2,802.00) under the Equal Access to Justice Act, 28 U.S.C. § 2412. Therefore, it is, hereby

R E C O M M E N D E D

that an Order enter awarding counsel for plaintiff, Charles D. Bennett, Jr., Esq. the sum of Two Thousand Eight Hundred Two Dollars (\$2,802.00) in counsel fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days

hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:

  
\_\_\_\_\_  
Judge

Dec 21, 2004  
\_\_\_\_\_  
Date